

REMARKS

Claims 1, 2 4, 8, 11, 24 30, 57, 64, 67, 80, 86, 87, 113, 114, 116, 123, 136, 142, 143, 169, 171-174, 181-183, and 187-189 stand rejected under 35 USC 103(a) as being anticipated by Throckmorton. This rejection is respectfully traversed.

The pending independent claims were previously amended to specify that that timing indicia for controlling when the address is used to retrieve online content relating to the program is included with the address and program. In the present action the Examiner states that he “disagrees with applicant’s alleged reading of the present claims to include a limitation of using timing indicia and address to control when to retrieve online content.” Specifically, the Examiner believes that the previously added limitation is simply an intended use that does not limit the claims.

All of the pending independent claims have been amended to specify that “the timing indicia controls when the address is used for retrieving online content relating to the program into the programming signal.” The Examiner states that col. 4, lines 52-65, col. 5 lines 48-64 and col. 7, lines 21-52, show this feature, however, none of these sections or any other sections in Throckmorton describe providing with a program an online address and timing indicia that control when the address is used for retrieving online content as claimed.

In the claimed system and methods a users system obtains the online content using the online address. Only an address for obtaining the content is sent with the primary program. This claimed configuration minimizes the amount of bandwidth that is initially used, and since the user’s system utilizes the online address to obtain the additional content, the online content need not be downloaded to systems which do not have online access or onto systems in which the user has indicated that they do not want the online content.

Since Throckmorton does not describe delivering an address and timing indicia that controls when the address is used for retrieving online content relating to the program along with a program as claimed. The rejection of the claims in view of Throckmorton should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **559442600207**.

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Respectfully submitted,

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